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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,710	01/29/2000	Gabriel Ilan	P-1653-US	3580

7590 12/31/2001

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EXAMINER

BEAULIEU, YONEL

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 12/31/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/674,710

Applicant(s)

ILAN ET AL

Examiner

Yonel Beaulieu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-19 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-19, 21-29 and 31-33 is/are rejected.
- 7) ☒ Claim(s) 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

Cancellation of claims 1 – 7 and 20 and the addition of claims 25 – 33 have been acknowledged and made of record.

Response to Arguments

Applicant's arguments with respect to claims 8 - 33 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 9, 11 – 17, 19, 22 – 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawada (5,754,430).

Regarding claims 8, 9, 11 – 17, 19, 22 – 29, and 33, Sawada teaches an apparatus (formed by figs. 3, 4, and 5) and a method, comprising a voice recognition unit (40 in fig. 3) able to output (through item 47) a first command being voice signals; a handwriting recognition unit (fig. 4) able to output (through item 57a) a second command being handwritten signals; a control unit (7 in fig. 5) able to receive and

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combine the commands and to control one appliance in a vehicle – the commands being alphanumeric or symbolic characters (using item 59 in fig. 3); a microphone (41).

Sawada's apparatus is at least fully functionally equivalent to the claimed invention and would have been obvious to one of ordinary skill in the art at the time of the invention because Sawada has been shown to suggest all of the structural features that would achieved the same end result of providing safety to a user (driver) using the apparatus.

While Applicants argue the claimed apparatus is different than Sawada in that Sawada's apparatus is not a 'one-piece' apparatus, it is the Examiner's position that the mere fact that a given structure is integral does not preclude its consisting of various elements. As defined in the Webster's New International Dictionary (2nd Ed.) defines "integral" as 'constituent parts that are so combined as to constitute a unitary whole.'

Claims 10, 18, 21, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawada ('430) in view of Obradovich (US 6,282,464).

As discussed above, Sawada teaches all of the limitations except for one of the commands being a cell phone command, the appliance being a car alarm, a sunroof, or a window.

However, Obradovich teaches, in an art related field, command being a cell phone command (by way of item 106a in fig. 1), the appliance being a car alarm (col. 9: 50 – col. 10: 44), a sunroof or a window (note item 108c; col. 7: 54 – 57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Sawada's apparatus by including a cell phone command, the appliance being a car alarm, a sunroof, or a window as evidenced by Obradovich in order to enhance efficient use of the apparatus.

Allowable Subject Matter

Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fail to fairly suggest/teach an apparatus having a unit that outputs at least one command data set which is associated, by a user, with at least one 3 dimensional hand gesture.

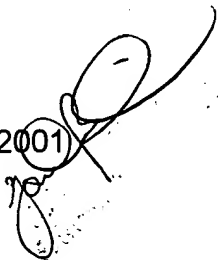
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on Monday to Friday (0630-1600), first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. CUCHLINSKI can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and same for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Y. BEAULIEU
December 20, 2001

A handwritten signature in black ink, appearing to be 'Y. Beaulieu', written over the typed name and date.